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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,520	03/23/2001	Myron Mosbarger	03882.008	7505

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EXAMINER
TRAN, PHILIP B

ART UNIT	PAPER NUMBER
2155	11

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/815,520	Mosbarger et al
Examiner	**Art Unit**
Philip B. Tran	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 20, 2003* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *41-104* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *41-104* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Response to Amendment

1. This office action is responsive to the amendment filed on 5/20/2003. Claims 41 and 44-104 have been amended. Claims 105-131 have been canceled. Therefore, pending claims 41-104 are presented for further examination.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 79-81, 84-88 and 91-92 are rejected under 35 U.S.A. 102(e) as being anticipated by Dillon, U.S. Pat. No. 5,995,726.

Regarding claim 79, Dillon teaches a communications system for communicating between an information provider and a client computer network, the system comprising:

a satellite receiver (i.e., satellite receiver 180) operating to receive download data from the information provider [see Fig. 1];

a client computer [see Fig. 1];

a server computer in electronic communication with said satellite receiver and in electronic communication with said client computer, said server computer having satellite receiver interface software installed thereon operating to receive the download data from said satellite receiver and operating to route the download data to said client computer via the computer network in order to provide the advantages of satellite communications for high volume download data packets (i.e., hybrid terminal 110, with SLIP provider 130 and application server 140 including application software 112 are in communication with satellite receiver 180 and computer network Internet 128 to receive download data and distribute download data to the devices on the network) [see Fig. 1, Abstract, and Col. 1, Line 61 - Col. 2, Line 25 and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55].

Regarding claims 80-81, Dillon further teaches a storage medium wherein said server computer's routing of the download data includes storing the download data on said storage medium included in the server computer [see Col. 3, Line 66 - Col. 4, Line 17 and Col. 8, Lines 34-41 and Col. 9, Lines 38-50 and Col. 11, Lines 1-38].

Regarding claims 84, Dillon further teaches the server computer runs a server operating system [see Col. 8, Lines 8-10].

Regarding claim 85, Dillon further teaches the server computer routes the download data using a standard local area network protocol (i.e., TCP/IP) [see Abstract and Fig. 1].

Regarding claim 86, Dillon teaches a server computer for communicating between a global communications network and a client computer, the server computer comprising :

first communications hardware for enabling electronic communications with the client computer via a computer network in order to provide the advantages of satellite communications for high volume download data packets and a second communications hardware for enabling electronic communications between the server computer and a satellite receiver (i.e., hybrid terminal 110 with satellite interface 120 and SLIP provider 130 and application server 140 including application software 112 for connecting to the satellite receiver 180 and also through modem to the Internet network 128 to receive download data packets and distribute download data to the devices on the network) [see Fig. 1, Abstract and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55 and Col. 6, Line 40 - Col. 7, Line 5];

a processor and a computer readable medium containing network instructions for communications between said server computer and the computer network (i.e, processor and memory for executing the instructions) [see Col. 3, Line 66 - Col. 4, Line 17];

satellite instructions for communications between said server computer and the satellite receiver (i.e., one or more application programs for communication between the satellite receiver 180 and the hybrid terminal 110 and the network) [see Fig. 1 and Col. 1, Line 61 - Col. 2, Line 25];

router instructions, said router instructions operating to receive download data and to route the download data to client computers, and wherein said network instructions, said satellite instructions and said router instructions are executable by said processor (i.e., hybrid terminal 110, with SLIP provider 130 and application server 140 including application software 112 are in communication with satellite receiver 180 and computer network Internet 128 to receive download data packets and distribute download data to the devices on the network) [see Fig. 1, Abstract, and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55].

Claims 87-88 are rejected under the same rationale set forth above to claims 80-81.

Claim 91 is rejected under the same rationale set forth above to claim 84.

Claim 92 is rejected under the same rationale set forth above to claim 85.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 © and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 41-78, 82-83, 89-90 and 93-104 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dillon, U.S. Pat. No. 5,995,726 in view of Davis et al (Hereafter, Davis), U.S. Pat. No. 5,742,829.

Regarding claim 41, Dillon teaches a communications system for communicating between an information provider and at least one client on a computer network, the system comprising:

a satellite receiver (i.e., satellite receiver 180) operating to receive download data from the information provider [see Fig. 1]; and

a server computer including hardware and software for communication with the computer network in electronic communication with said satellite receiver and in electronic communication with the computer network, said server computer having satellite receiver interface software installed thereon operating to receive the download data from said satellite receiver and operating to route the download data to client computer via the computer network in order to provide the advantages of satellite communications for high volume download data packets (i.e., hybrid terminal 110, with SLIP provider 130 and application server 140 including application software 112 are in communication with satellite receiver 180 and computer network Internet 128 to receive download data packets and distribute download data to the devices on the network) [see Fig. 1, Abstract, and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55].

Dillon does not explicitly teach a local area network (LAN) with plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet. In addition, Dillon further teaches the server computer is programmed to route the download data to said plurality of client computers on the local area network (i.e., hybrid terminal 110 with one or more application programs to route the download data to the devices on the network) [see Fig. 1]. Dillon does not explicitly teach the server is irrespective of the client computers' operating systems such that said server computer does not require the same operating system for each client computer of the plurality of client computers. However, the use of different operating systems for server and plurality of clients is well-known in the art as disclosed by Davis [see Abstract and Col. 2, Lines 15-44]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implements different operating systems for different devices on the network in order to allow clients and server to be placed independently on nodes in a network and increase the flexibility of utilizing different hardware platforms and operating systems appropriate to their functions.

Regarding claims 42-43, Dillon does not explicitly teach the computer network is a local area network (LAN) or a wide area network (WAN). However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by

disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN or a WAN for the same reasons set forth above to claim 41.

Regarding claims 44-45, Dillon further teaches a storage medium wherein said server computer's routing of the download data includes storing the download data on said storage medium included in the server computer [see Col. 3, Line 66 - Col. 4, Line 17 and Col. 8, Lines 34-41 and Col. 9, Lines 38-50 and Col. 11, Lines 1-38].

Regarding claims 46-47, Dillon does not explicitly teach the storage medium is an intermediate storage medium such as a cache and wherein the download data is stored on said intermediate storage medium prior to receipt of the download data by said plurality of client computers. However, implementation of storage for storing download data before transferring the data to the plurality of clients is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a cache for storing data and transmit data only when needed in order to reduce traffic on the network.

Regarding claims 48, Dillon further teaches the server computer runs a server operating system [see Col. 8, Lines 8-10].

Regarding claim 49, Dillon further teaches the server computer routes the download data using a standard local area network protocol (i.e., TCP/IP) [see Abstract and Fig. 1].

Regarding claim 50, Dillon does not explicitly teach a plurality of local area networks wherein said server computer operates to route the download data to said plurality of local area networks. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a plurality of LAN with a plurality of clients for the same reasons set forth above to claim 41.

Regarding claim 51, Dillon teaches a server computer for communicating between a global communications network and at least one client computers on a computer network, the server computer comprising :

network hardware for connecting said server computer to the computer network and communications hardware for enabling electronic communications with a satellite receiver operating to receive download data which is then sent to a client computer by the server computer via a computer network in order to provide the advantages of satellite communications for high volume download data packets (i.e., hybrid terminal 110 with satellite interface 120 and SLIP provider 130 and application server 140 including application software 112 for connecting to the satellite receiver 180 and also through modem to the Internet network 128 to receive download data packets and distribute download data to the devices on the network) [see Fig. 1, Abstract and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55 and Col. 6, Line 40 - Col. 7, Line 5];

a processor and a computer readable medium containing network instructions for communications between said server computer and the computer network (i.e, processor and memory for executing the instructions) [see Col. 3, Line 66 - Col. 4, Line 17];

satellite instructions for communications between said server computer and the satellite receiver (i.e., one or more application programs for communication between the satellite receiver 180 and the hybrid terminal 110 and the network) [see Fig. 1 and Col. 1, Line 61 - Col. 2, Line 25];

router instructions, said router instructions operating to receive download data and to route the download data to client computers, and wherein said network instructions, said satellite instructions and said router instructions are executable by said processor (i.e., hybrid terminal 110, with SLIP provider 130 and application server 140 including application software 112 are in communication with satellite receiver 180 and computer network Internet 128 to distribute download data to the devices on the network) [see Fig. 1, Abstract, and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55].

Dillon does not explicitly teach a local area network (LAN) with plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet. In addition, Dillon further teaches the server computer is programmed to route the download data to said plurality of client computers on the

local area network (i.e., hybrid terminal 110 with one or more application programs to route the download data to the devices on the network) [see Fig. 1]. Dillon does not explicitly teach the server is irrespective of the client computers' operating systems such that said server computer does not require the same operating system for each client computer of the plurality of client computers. However, the use of different operating systems for server and plurality of clients is well-known in the art as disclosed by Davis [see Abstract and Col. 2, Lines 15-44]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implements different operating systems for different devices on the network in order to allow clients and server to be placed independently on nodes in a network and increase the flexibility of utilizing different hardware platforms and operating systems appropriate to their functions.

Claims 52-53 are rejected under the same rationale set forth above to claims 42-43.

Claims 54-55 are rejected under the same rationale set forth above to claims 44-45.

Claims 56-57 are rejected under the same rationale set forth above to claims 46-47.

Claim 58 is rejected under the same rationale set forth above to claim 48.

Claim 59 is rejected under the same rationale set forth above to claim 49.

Claim 60 is rejected under the same rationale set forth above to claim 50.

Regarding claim 61, Dillon teaches a method for providing access to a global communications network for at least one client computer on a computer network, which comprises receiving download data from a satellite receiver in electronic communication with a

server computer having satellite receiver interface software installed thereon and satellite receiver operating to receive download data and routing the download data to at least one client computer via the computer network. In order to provide the advantages of satellite communications for high volume download data packets (i.e., hybrid terminal 110 with satellite interface 120 and SLIP provider 130 and application server 140 including application software 112 for connecting to the satellite receiver 180 and also through modem to the Internet network 128 to receive download data packets and distribute download data to the devices on the network) [see Fig. 1, Abstract and Col. 1, Line 61 - Col. 2, Line 25 and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55 and Col. 6, Line 40 - Col. 7, Line 5]. Dillon does not explicitly teach a local area network (LAN) with plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet. In addition, Dillon further teaches the server computer is programmed to route the download data to said plurality of client computers on the local area network (i.e., hybrid terminal 110 with one or more application programs to route the download data to the devices on the network) [see Fig. 1]. Dillon does not explicitly teach the server is irrespective of the client computers' operating systems such that said server computer does not require the same operating system for each client computer of the plurality of client computers. However, the use of different operating systems for server and plurality of clients is well-known in the art as disclosed by Davis [see Abstract and

Col. 2, Lines 15-44]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implements different operating systems for different devices on the network in order to allow clients and server to be placed independently on nodes in a network and increase the flexibility of utilizing different hardware platforms and operating systems appropriate to their functions.

Claims 62-63 are rejected under the same rationale set forth above to claims 42-43.

Claim 64 is rejected under the same rationale set forth above to claims 44-45.

Claims 65-66 are rejected under the same rationale set forth above to claims 46-47.

Claim 67 is rejected under the same rationale set forth above to claim 48.

Claim 68 is rejected under the same rationale set forth above to claim 49.

Claim 69 is rejected under the same rationale set forth above to claim 50.

Claim 70 is rejected under the same rationale set forth above to claim 61.

Claims 71-72 are rejected under the same rationale set forth above to claims 62-63.

Claim 73 is rejected under the same rationale set forth above to claim 64.

Claims 74-75 are rejected under the same rationale set forth above to claims 65-66.

Claim 76 is rejected under the same rationale set forth above to claim 67.

Claim 77 is rejected under the same rationale set forth above to claim 68.

Claim 78 is rejected under the same rationale set forth above to claim 69.

Claims 82-83 are rejected under the same rationale set forth above to claims 46-47.

Claims 89-90 are rejected under the same rationale set forth above to claims 46-47.

Claim 93 is rejected under the same rationale set forth above to claim 61.

Claim 94 is rejected under the same rationale set forth above to claim 64.

Claims 95-96 are rejected under the same rationale set forth above to claims 65-66.

Claim 97 is rejected under the same rationale set forth above to claim 67.

Claim 98 is rejected under the same rationale set forth above to claim 68.

Claim 99 is rejected under the same rationale set forth above to claim 61.

Claim 100 is rejected under the same rationale set forth above to claim 64

Claims 101-102 are rejected under the same rationale set forth above to claims 65-66.

Claim 103 is rejected under the same rationale set forth above to claim 67.

Claim 104 is rejected under the same rationale set forth above to claim 68.

6. Applicant's arguments with respect to claims 41-104 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitate the new ground of rejections. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A)

WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The Group fax phone number is (703) 746-7239.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PBT
Philip Tran
Art Unit 2155
Aug 01, 2003

HOSAIN T. ALAM
PRIMARY EXAMINER